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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,057	02/11/2002	Kenneth Vecchio	UCSD 98-065DIV	9067

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EXAMINER

JOHNSON, STEPHEN

ART UNIT PAPER NUMBER

3641

DATE MAILED: 11/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,057

Applicant(s)

VECCHIO, KENNETH

Examiner

Stephen M. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-19, 21-29 and 41-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-19, 21-29 and 41-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-14, 16-19, 21-29 and 41-43 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Applicant's election without traverse of invention I (a method of making laminate material) in Paper No. 6 is acknowledged. Claims 1-14, 16-19, 21-29, and 41-43 are drawn to the elected invention and an action on these claims follows.

2. Claims 1-14, 16-19, 21-29, and 41-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 16-17, how is the phrase "one or more first metals and metal alloys" intended to relate to the previously claimed 'one or more first metals and metal alloys' (see claim 1, lines 4-5)? In claim 2, lines 17-18, how is the phrase "one or more first metals and metal alloys" intended to relate to the previously claimed 'one or more first metals and metal alloys' (see claim 2, lines 4-5)?

In claim 3, line 23, how is the phrase "an hard intermetallic compound" related to the previously claimed 'hard intermetallic compound' (see claims 1 and 2)? In claim 11, how is the phrase "a plurality of first foils" intended to relate to the previously claimed 'plurality of first foils' (see claim 1)? In claim 12, how is the phrase "a plurality of second foils" intended to relate to the previously claimed 'plurality of second foils' (see claim 1)? In claim 13, line 2, how is the phrase "a plurality of first foils" intended to relate to the previously claimed 'a plurality of first foils' (see claims 1 and 2)? In claim 13, line 6, how is the phrase "a plurality of second foils" intended to relate to the previously claimed 'a plurality of second foils' (see claims 1 and 2)? In claim 13, lines 8-9, how is the phrase "an intermetallic compound" intended to relate to the previously claimed 'an hard intermetallic compound' (see claims 1 and 2)? In claim 14, line 3, how is the phrase "one or more first metals and metal alloys" intended to relate to the previously

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claimed 'one or more first metals and metal alloys' (see claims 1 and 2)? In claim 14, line 4, how is the phrase "an intermetallic compound" intended to relate to the previously claimed 'an hard intermetallic compound' (see claims 1 and 2)? In claim 17, lines 2-3, how is the phrase "one or more second metals or metal alloys" intended to relate to the previously claimed 'one or more second metals or metal alloys' (see claims 1 and 2)? In claims 21 and 22, how is the phrase "composite laminate material" intended to relate to the previously claimed 'composite laminate material' (see claims 1 and 2)? In claims 23 and 43, line 2, how is the phrase "a plurality of first foils" intended to relate to the previously claimed 'a plurality of first foils' (see claims 1 and 2)? In claims 23 and 43, line 3, how is the phrase "a plurality of second foils" intended to relate to the previously claimed 'a plurality of second foils' (see claims 1 and 2)?

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 8/1, 9/1, 14/1, 23/1, 24/1, 41/1, 42/1, and 43/1 are rejected under 35

U.S.C. 102(b) as being anticipated by Liebowitz.

Liebowitz discloses a method of making a composite laminate material comprising:

- | | |
|---------------------------------|-----------------------|
| a) a plurality of first foils, | 22, 23 |
| b) a plurality of second foils, | sections of 24, 25 |
| | prior to formation of |
| | diffusion layer or |
| | zone |

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c) reacting under heat and pressure, col. 4, lines 73-75

d) intermetallic compound. diffusion zone

5. Claims 1, 8/1, 9/1, 14/1, 23/1, 24/1, 41/1, 42/1, and 43/1 are rejected under 35

U.S.C. 102(b) as being anticipated by Giolitti.

Giolitti discloses a method of making a composite laminate material comprising:

a) a plurality of first foils, c

b) a plurality of second foils, portion of a prior

to transformation

to b

c) reacting under heat and pressure, page 1, lines 53-54;

page 2, lines 101-105

d) intermetallic compound. b

6. Claims 1, 5/1, 6/1, 8/1, 9/1, 10/1, 11, 14/1, 16/1, 18/1, 19/1, 23/1, 24/1, 25/1, 26/1, 41/1,

42/1, and 43/1 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenthal et al..

Rosenthal et al. disclose a method of making a composite laminate material comprising:

a) a plurality of first foils, 11, 21

b) a plurality of second foils, 13

c) reacting under heat and pressure, col. 7, lines 48-66

d) intermetallic compound. 14 or 23 or 28

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4/1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenthal et al..

Rosenthal et al. apply as previously recited. However, undisclosed are a number of foils more numerous than 10. Although Rosenthal et al. teach varying the number of foil layers (see figs. 1A-8B) he does not teach a plurality of layers of 10 or more. Since applicant has stated no problem solved or advantage obtained by this particular number of plurality of layers, this feature must be considered to be an obvious matter of design choice (see in re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975)).

9. Claims 3/1, 7/1, 12, 13/1, 17/1, 21/1, 22/1, 27/1, 28/1, and 29/1 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Claims 2, 3/2-10/2, 13/2-14/2, 16/2-19/2, 21/2-29/2, and 41/2-43/2 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Oskarsson et al., Greene, Wales, Vecchio, and Dietsche disclose other state of the art methods of making armour.

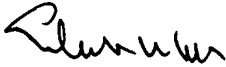
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 703-306-4158. The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.



STEPHEN M. JOHNSON
PRIMARY EXAMINER

Stephen M. Johnson
Primary Examiner
Art Unit 3641

SMJ
October 25, 2002